

**Notice of Allowability**

Application No.

09/580,601

Examiner

Michael R Vaughan

Applicant(s)

HIROTA ET AL.

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-02-04.
2. ☒ The allowed claim(s) is/are 21-25.
3. ☒ The drawings filed on 09 March 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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*E. Moise*  
**EMMANUEL L. MOISE**  
**PRIMARY EXAMINER**  
*Ad 2136*

**Detailed Action**

Claims 21-25 have been fully reconsidered. After-final action filed 7-2-04 has perfected the priority document JP 11-236724 to overcome one of the cited references, Ando. Ando is no longer prior art to the immediate application. Therefore the previous 35 USC §103 rejection applied to claims 21-25 is withdrawn.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter.

Claims 21-26 were finally rejected over Kihara (GB 2351819 A) in view of Ando (6,658,200 B2). As stated above, Ando is no longer prior art. Ando was the secondary reference of the §103 rejection. Ando taught the two limitations of the independent claims 21-26 that Kihara failed to teach. Namely, that each time search map includes a plurality of pieces of entry information showing internal (starting) positions within a corresponding audio object at predetermined intervals. And second, that each audio object is restricted to a playback time not to exceed a predetermined number. Put another way, there are subdivisions (objects) that make up an audio track and playback is restricted to playing only a predetermined number of the subdivisions within an audio track. Playback time calculated because each object presents an interval of time. The specification teaches this interval of time is two seconds.

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Another noted difference is that there is a time search map for each audio object. Prior art teaches various use of time indexing for audio tracks but do not disclose indexing each audio object.

In view of the foregoing, no prior art was found to teach all of the limitations of the independent claims 21-25. More specifically no art prior to August 24, 1999 was found to teach the above-mentioned limitations from claims 21-25. Therefore, claims 21-25 are believed to be novel over the prior art for the reason mentioned above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Vaughan whose telephone number is 703-305-0354. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Vaughan  
Examiner  
Art Unit 2131

MV

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